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Application No.:(09/680,389			
Filing Date:	October 4, 2000			
	Glenn Reid	·		
	Chuong, Truc T. 2179			
	4860.P2474			
Attorney Docket No.:	1000.F 2474			
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SUBMITTED BY:	,			
BLAKELY SOKOLOFF TAYL				
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DATE: February 2, 200	05/		_	
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FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

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		ventor		Reid						
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	Applicant claims small entity status. See 37 CFR 1.27.									
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2. EXCESS CLAIM FEES

	Extra Claims		Fee from below		Fees Paid (\$)
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Large	Entity	<u>Small l</u>	Entity	
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	Fee Description
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent
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SUBTOTAL (2) \$ 0.00

3. APPLICATION SIZE FEE

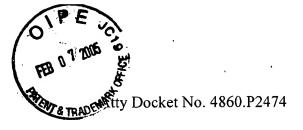
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total S	<u>heets</u>		<u>Extra</u>	Sheets		of each add'l ction thereof		Fee from below	Fees paid (\$)
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SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued) 4. OTHER FEE(S) Fees Paid (\$) Non-English Specification, \$130 fee (no small entity discount) Small Entity Fee Fee Fee Fee Fee Description Code (\$) Code (\$) 1051 65 Surcharge - late filing fee or oath 130 2051 1052 25 Surcharge - late provisional filing fee or cover sheet 50 2052 1053 130 1053 130 Non-English specification 1812 2.520 1812 2,520 For filing a request for ex parte reexamination 8,800 Request for inter parties reexamination 1813 8,800 1813 920* Requesting publication of SIR prior to Examiner action 1804 920* 1804 1,840* 1805 1,840* Requesting publication of SIR after Examiner action 1805 1251 120 2251 60 Extension for reply within first month 1252 450 2252 225 Extension for reply within second month 1253 1.020 2253 510 Extension for reply within third month 1254 1,590 2254 795 Extension for reply within fourth month 2255 1,080 1255 2,160 Extension for reply within fifth month 1401 500 2401 250 **Notice of Appeal** 250 500.00 1402 500 2402 Filing a brief in support of an appeal 1,000 500 1403 2403 Request for oral hearing 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 500 2452 250 Petition to revive – unavoidable 1453 1.500 2453 750 Petition to revive - unintentional 700 1501 1.400 2501 Utility issue fee (or reissue) 2502 400 Design issue fee 1502 800 1503 1100 2503 550 Plant issue fee 1462 400 1462 400 Petitions to the Commissioner (CFR 1.17(f) Group I) 200 1463 200 1463 Petitions to the Commissioner (CFR 1.17(g) Group II) 1464 1464 130 Petitions to the Commissioner (CFR 1.17(h) Group III) 130 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1806 **Submission of Information Disclosure Stmt** 1806 180 180 8021 40 8021 40 Recording each patent assignment per property (times number of properties) 395 1809 790 2809 For filing a submission after final rejection (see 37 CFR 1.129(a)) 1814 130 2814 65 **Statutory Disclaimer** 1810 790 2810 395 For each additional invention to be examined (see 37 CFR 1.129(b)) 395 1801 790 2801 Request for Continued Examination (RCE) 900 1802 900 Request for expedited examination of a design 1802 application 300 300 1504 1504 Publication fee for early, voluntary, or normal pub. Publication fee for republication 1505 300 300 1505 1803 130 130 Request for voluntary publication or republication 1803 1808 130 1808 130 Processing fee under 37 CFR 1.17(i) (except provisionals) 1454 1,370 1454 1,370 Acceptance of unintentionally delayed claim for priority Other fee (specify) Other fee (specify) SUBTOTAL (4) \$ 500.00 *Reduced by Basic Filing Fee Paid SUBMITTED BY: Typed or Printed Name(Jeffery Scott Heileson February 2, 2005 Signature: Date: Reg. Number: <u>U46,765</u> **Telephone Number:** 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:) .							
Glenn Reid) Examiner:	Chuong, Truc T.						
Application No: 09/680,389) Art Unit:	2179						
Filing Date: October 4, 2000) Confirmation Number: 8573								
For: INTEGRATED TIME LINE FOR) EDITING)								
Mail Stop Appeal Brief- Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450								
APPEAL BRIEF UND	ER 37 C.F.R. § 41.3	7(a)						
This is an appeal to the Board of Patent Appeals and Interferences from the								
decision of the Examiner of Group 2179, dated September 2, 2004, which finally rejected								
Claims 1-45 in the above-identified applicati	ion. This Appeal Brid	ef is hereby submitted						

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Appeal Brief- Patents, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on February 2, 2005 Date of Deposit Dianne Neathery Name of Person Mailing Correspondence February 2, 2005 Signature February 2, 2005 Date

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pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the full interest in the invention, Apple Computer, Inc., 1 Infinite Loop, Cupertino, California, 95014.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1-45 are pending in the application and were finally rejected in an Office Action mailed September 2, 2004. Claims 1-45 are the subject of this appeal. A copy of Claims 1-45 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments have been submitted subsequent to the Final Office Action mailed September 2, 2004.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1-45 is directed to generating a presentation of a time based stream of information through a user interface which displays only a single time line. The time line is for aligning reference elements (e.g. edit features) to the time based stream of information.

Independent claim 1 claims a method for processing a presentation of a time based stream of information. A user interface is provided having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation (Figure 6A, 240; Specification, page 27, line 33 – page 28, line 6). The reference includes one of at least two types of edit features (Specification, page 10, line 33 – page 11, line 5). The single graphical representation of a time line is displayed on the user interface. A reference with an edit feature is displayed on the user interface. The reference is dragged over the

single graphical representation of the time line to insert the edit feature into the presentation. (Specification, page 30, lines 11-20). Independent claim 16 claims the invention as a system. Independent claim 28 claims the invention as a computer readable medium.

Independent claim 22 claims the invention as a processing system for generating a presentation of a time-based stream of information comprising A) means for providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features (Figure 6A, 240; Specification, page 27, line 33 – page 28, line 6; Specification, page 10, line 33 – page 11, line 5); B) means for displaying the single graphical representation of a time line on the user interface (Specification, page 10, lines 3-5; Figure 3, 70); C) means for displaying a reference with an edit feature on the user interface (Specification, page 10, lines 3-5; Figure 3, 70); and D) means for dragging the reference over the single graphical representation of the time line to insert the edit feature into the presentation (Specification, page 7, lines 11-16; Figure 3, 92).

Independent claim 10 claims a method for processing a presentation of a time based stream of information. A user interface is provided having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features (Figure 6A, 240; Specification, page 27, line 33 – page 28, line 6; Specification, page 10, line 33 – page 11, line 5). The single graphical representation of a time line is displayed on the user interface. A reference having an edit feature is displayed on the user interface is cut from a position on the user interface and the other reference is passed over the single graphical representation of the time line to insert the edit feature into the presentation. (Specification, page 30, lines 11-20). Independent claim 34 claims the invention as a computer readable medium.

Claim 40 claims the invention as a processing system for generating a presentation of a time-based stream of information comprising A) means for providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of

information in a presentation, the reference including one of at least two types of edit features (Figure 6A, 240; Specification, page 27, line 33 – page 28, line 6; Specification, page 10, line 33 – page 11, line 5); B) means for displaying the single graphical representation of a time line on the user interface (Specification, page 10, lines 3-5; Figure 3, 70); C) means for displaying a reference having an edit feature on the user interface (Specification, page 10, lines 3-5; Figure 3, 70); and D) means for cutting the reference from a position on the user interface and pasting the other reference over the single graphical representation of the time line to insert the edit feature into the presentation (Specification, page 7, lines 11-16; Figure 3, 92).

VI. GROUNDS OF REJECTIONS TO BE REVIEWED ON APPEAL

A. Whether Claims 1-45 are patentable under 35 U.S.C. § 102(b) over Klingler et al., U.S. Patent No. 5,404,316 ("Klingler").

VII. ARGUMENT

A. Claims 1-45 are patentable under 35 U.S.C. § 102(b) over Klingler.

Claims 1-45 stand or fall together. Claim 1 is the representative claim. As discussed above, Appellant's invention is directed to generating a presentation of a time based stream of information through a user interface which displays only a single time line.

Klingler discloses a using a graphical user interface to implement image processing techniques. A display includes one or more movie views from which a user can view and edit selected clips of a movie. A Player View 70 offers a viewing screen for playing or stopping an entire movie or selected clip therefrom. A Storyboard View 72 includes a two dimensional Storyboard array 104 which provides a grid upon which the clips 106-110 of a movie are arranged. Additionally, a Time View 74 includes a horizontal strip 112 displaying the clips of the movie along with up to eight additional horizontal sound bands displaying the audio data associated with the clips shown in the framestrip 112. An alternate Time View window 240 displays a selected clip in addition to one or more clips corresponding to input for operations that produced the selected clip.

(Klingler, col. 6, lines 48-55; col. 7, lines 14-17; col. 8, lines 13-29; col. 9, lines 17-38, Figures 3-6, 17).

Independent claim 1 includes the limitation of "a user interface having functionality to display only a single graphical representation of a time line." Applicant's Specification describes a time line as representing the time course of a presentation. The position of each reference element on the time line dictates the order of an associated clip and edit feature in the presentation (Specification, page 3, lines 21-27). Applicant's Figure 1 describes prior art editing systems that make use of multiple time lines, each time line for a distinct attribute of the presentation (e.g. video clips, titles, special effects, etc.). Using multiple time lines results in a complicated and confusing user interface, in addition to consuming a large portion of screen real estate. Further, since these prior art systems lack a single time line that integrates all attributes of the presentation, the user must mentally combine each of the multiple time lines to determine what the final presentation will be like. Applicant's claimed invention alleviates these issues through a simple user interface providing only a single time line for editing of presentations.

In the Final Office Action mailed September 2, 2004, the Examiner has referred to Figures 6 and 17 of Klingler as anticipating this limitation. However, Applicant submits that Figures 6 and 17 of Klingler illustrate alternate depictions of a Time View, neither of which includes "only a single graphical representation of a time line," as claimed. Referring to Figure 6, the Time View 74 displays a clip 112 of the movie along with up to eight horizontal sound bands, as disclosed by Klingler at col. 8, lines 13-18. In other words, as many as nine distinct time lines may be displayed (112, 118) in the Time View shown in Figure 6. Thus, the Time View 74 does not include only a single graphical representation of a time line, as claimed.

Referring to Figure 17, the Examiner has asserted that only one selected clip is shown. Applicant submits that in addition to the selected clip 112, the alternate Time View 240 illustrated in Figure 17 additionally displays three clips 242, 244 and 246, which correspond to input clips for operations performed to produce the selected clip 112. As clearly illustrated in Figure 17, the clips 242-246 are each presented horizontally in association with the selected clip 112. The several clips 242-246 permit a user to view input clips on a frame-by-frame basis to alter operations that yielded clip 112. In other

words, clips 242-246 are each presented along a separate time line or track. Thus, Figure 17 illustrates at least <u>four</u> time lines (112, 242, 244, 246). Therefore, the alternate Time View 240 is not equivalent to the claimed limitation of a user interface having functionality to display <u>only a single</u> graphical representation of a time line.

Furthermore, there is no disclosure anywhere else within Klingler that anticipates Applicant's claimed limitation of a user interface having functionality to display only a single graphical representation of a time line. Accordingly, independent claims 1, 10, 16, 22, 28, 34 and 40, and claims 2-9, 11-15, 17-21, 23-27, 29-33, 35-39 and 41-45 that depend from them, are not anticipated by Klingler.

VIII. CONCLUSION

For the reasons stated above, claims Claims 1-45 are patentable under 35 U.S.C. § 102(b) over Klingler. Appellant respectfully requests that the Board reverse the rejections of the claims 1-45 under 35 U.S.C. § 102(b) and direct the Examiner to enter a Notice of Allowance for Claims 1-45.

Fee for Filing a Brief in Support of Appeal

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. § 1.17(c) and 41.20(b)(2).

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR

& ZAFMAN LLP

Dated: February 2, 2005

Customer No. 008791 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025-1026 (408) 720-8300 Jeffery Scott Heileson Attorney for Appellant

Registration No. 46,765

Patent

y Docket No. 4860.P2474

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:)		
Glenn Reid)	Examiner:	Chuong, Truc T
Application No: 09/680,389)	Art Unit:	2179
Filing Date: October 4, 2000)	Confirmation	n Number: 8573
For: INTEGRATED TIME LINE FOR EDITING)))		

Mail Stop Appeal Brief- Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

APPENDIX A FOR APPEAL BRIEF UNDER 37 C.F.R. § 41.37(A)

- 1. (Original) A method for processing a presentation of a time based stream of information, the method comprising:
 - A) providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features;
 - B) displaying the single graphical representation of a time line on the user interface;
 - C) displaying a reference with an edit feature on the user interface; and

- D) dragging the reference over the single graphical representation of the time line to insert the edit feature into the presentation.
- 2. (Original) The method of claim 1, wherein the edit feature is text.
- 3. (Original) The method of claim 1, wherein the edit feature is a transition.
- 4. (Original) The method of claim 1, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references.
- 5. (Original) The method of claim 1, wherein providing the reference with the edit feature is by moving a reference to an edit box and inserting the edit feature into the reference in response to user edit commands.
- 6. (Original) The method of claim 5, wherein the moving of the reference is by cutting the reference and pasting the reference over the edit box.
- 7. (Original) The method of claim 1, further including editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting.
- 8. (Original) The method of claim 1, further including displaying another reference having an edit feature and in response to a user cut/paste command, cutting the other reference from a position on the user interface and pasting the other reference over the single graphical representation of the time line to insert the edit feature into the presentation.
- 9. (Original) The method of claim 8, wherein the single graphical representation of a time line includes at least two references and wherein the reference having an edit feature is pasted between the two references.

- 10. (Previously Presented) A method for processing a presentation of a time based stream of information, the method comprising:
 - A) providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features;
 - B) displaying the single graphical representation of a time line on the user interface;
 - C) displaying a reference having an edit feature on the user interface; and
 - D) cutting the reference from a position on the user interface and pasting the other reference over the single graphical representation of the time line to insert the edit feature into the presentation.
- 11. (Original) The method of claim 10, wherein the edit feature is text.
- 12. (Original) The method of claim 10, wherein the edit feature is a transition.
- 13. (Original) The method of claim 10, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references.
- 14. (Original) The method of claim 10, wherein providing the reference with the edit feature is by cutting and pasting a reference to an edit box and inserting the edit feature into the reference in response to user edit commands.
- 15. (Original) The method of claim 10, further including editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting.

- 16. (Previously Presented A digital processing system comprising:
 - A) a capture port for acquiring a time-based stream of information;
 - B) a storage coupled to the capture port;
 - D) a display device; and
- C) a processor coupled to the display device and to the storage, the processor for:
 - (i) providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features;
 - (ii) displaying the single graphical representation of a time line on the user interface;
 - (iii) displaying a reference with an edit feature on the user interface; and
 - (iv) dragging the reference over the single graphical representation of the time line to insert the edit feature into the presentation.
- 17. (Original) The system of claim 16, wherein the edit feature is text.
- 18. (Original) The system of claim 16, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references.
- 19. (Original) The system of claim 16, wherein the providing the reference with the edit feature is by moving a reference to an edit box and inserting the edit feature into the reference in response to user edit commands.

- 20. (Original) The system of claim 19, wherein the moving of the reference is by cutting the reference and pasting the reference over the edit box.
- 21. (Original) The system of claim 16, further including editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting.
- 22. (Previously Presented) A processing system for generating a presentation of a time-based stream of information comprising:
 - A) means for providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features;
 - B) means for displaying the single graphical representation of a time line on the user interface;
 - C) means for displaying a reference with an edit feature on the user interface; and
 - D) means for dragging the reference over the single graphical representation of the time line to insert the edit feature into the presentation.
- 23. (Original) The system of claim 22, wherein the edit feature is text.
- 24. (Original) The system of claim 22, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references.
- 25. (Original) The system of claim 22, wherein the providing the reference with the edit feature is by moving a reference to an edit box and inserting the edit feature into the reference in response to user edit commands.

- 26. (Original) The system of claim 25, wherein the moving of the reference is by cutting the reference and pasting the reference over the edit box.
- 27. (Original) The system of claim 22, further including means for editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting.
- 28. (Previously Presented) A computer readable medium having stored therein a plurality of sequences of executable instructions, which, when executed by a processing system for collecting a time based stream of information and generating a presentation, cause the processing system to:
 - A) provide a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features;
 - B) display the single graphical representation of a time line on the user interface;
 - C) display a reference with an edit feature on the user interface; and
 - D) drag the reference over the single graphical representation of the time line to insert the edit feature into the presentation.
- 29. (Original) The computer readable medium of claim 28, wherein the edit feature is text.
- 30. (Original) The computer readable medium of claim 28, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references.

- 31. (Original) The computer readable medium of claim 28, wherein the providing the reference with the edit feature is by moving a reference to an edit box and inserting the edit feature into the reference in response to user edit commands.
- 32. (Original) The computer readable medium of claim 31, wherein the moving of the reference is by cutting the reference and pasting the reference over the edit box.
- 33. (Previously Presented) The computer readable medium of claim 28, further including additional sequences of executable instructions, which, when executed by the processing system, cause the processing system to edit the edit feature of the reference by selecting the reference and pop up an edit box automatically in response to the selecting.
- 34. (Previously Presented) A computer readable medium having stored therein a plurality of sequences of executable instructions, which, when executed by a processing system for collecting a time based stream of information and generating a presentation, cause the processing system to perform a method comprising:
 - A) providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features;
 - B) displaying the single graphical representation of a time line on the user interface;
 - C) displaying a reference having an edit feature on the user interface; and
 - D) cutting the reference from a position on the user interface and pasting the other reference over the single graphical representation of the time line to insert the edit feature into the presentation.
- 35. (Previously Presented) The computer readable medium of claim 34, wherein the edit feature is text.

- 36. (Previously Presented) The computer readable medium of claim 34, wherein the edit feature is a transition.
- 37. (Previously Presented) The computer readable medium of claim 34, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references.
- 38. (Previously Presented) The computer readable medium of claim 34, wherein providing the reference with the edit feature is by cutting and pasting a reference to an edit box and inserting the edit feature into the reference in response to user edit commands.
- 39. (Previously Presented) The computer readable medium of claim 34, further including additional sequences of executable instructions, which, when executed by the processing system, cause the processing system to perform the method further comprising editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting.
- 40. (Previously Presented) A processing system for generating a presentation of a time-based stream of information comprising:
 - A) means for providing a user interface having functionality to display only a single graphical representation of a time line for positioning at least one reference to a visual time based stream of information in a presentation, the reference including one of at least two types of edit features;
 - B) means for displaying the single graphical representation of a time line on the user interface;
 - C) means for displaying a reference having an edit feature on the user interface; and
 - D) means for cutting the reference from a position on the user interface and pasting the other reference over the single graphical

representation of the time line to insert the edit feature into the presentation.

- 41. (Previously Presented) The system of claim 40, wherein the edit feature is text.
- 42. (Previously Presented) The system of claim 40, wherein the edit feature is a transition.
- 43. (Previously Presented) The system of claim 40, wherein the single graphical representation of a time line includes at least two references and wherein the reference with an edit feature is dragged between the two references.
- 44. (Previously Presented) The system of claim 40, wherein means for providing the reference with the edit feature is by cutting and pasting a reference to an edit box and inserting the edit feature into the reference in response to user edit commands.
- 45. (Previously Presented) The system of claim 40, further including means for editing the edit feature of the reference by selecting the reference and popping up an edit box automatically in response to the selecting.